IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.47065 of 2008

1. ABU TALIB
2. Md. Mehbul
3. Khudi Mian
4. Md. Bakar …… Petitioners

Versus

STATE OF BIHAR

---

2. 28.11.2008 Heard the learned Counsel for the petitioners and the learned counsel for the State.

The petitioners apprehend arrest in a Police case under Sections 376, 313 and 511/34 of the Penal Code.

The submission is that the allegation under Section 376 is specific against co-accused Md. Ibrahim, of whom the petitioners are family members, for physical relationship on promise of marriage. As per the allegations the petitioners only persuaded her to abort the child when there is no allegation of any abortion making Section 313 inapplicable.

WEB COPY NOT OFFICIAL

Considering the submissions only for the purposes of bail let the petitioners, above named, surrender in the court below within a period of four weeks from today when they shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Katihar in Mansahi PS Case No. 74 of 2008, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Snkumar/-

(Navin Sinha,J.)